

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2147**

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**Introduced by Assembly Member V. Manuel Perez**

February 18, 2010

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An act to amend Section 2333.5 of the Streets and Highways Code, relating to transportation.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2147, as amended, V. Manuel Perez. Safe Routes to School construction program.

Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a "Safe Routes to School" construction program pursuant to authority granted under specified federal law and to use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects. Existing law requires the department to make grants available to local agencies under the program through a competitive grant process that considers various factors in rating the proposals.

This bill would additionally require, in rating a proposal, the consideration of the proposal's benefit to a disadvantaged community, as defined, *and* the use of a public participation process, ~~and the degree to which the public's concerns are incorporated into the proposal. The bill would require the department, for the purpose of ensuring community engagement and feedback and to provide notice for application submissions for the program, to coordinate with regional~~

~~transportation planning agencies whose counties are subject to the unmet-needs process, as specified. The bill would require counties subject to the unmet-needs process that are seeking grants under the program to solicit information through the community engagement process about local safe routes to school needs. The bill would prohibit the department from limiting the number of applications that may be submitted for grants under the program on behalf of disadvantaged communities including a public meeting, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) In 1999, the Legislature enacted Assembly Bill 1475  
4 (Chapter 663, Statutes of 1999), which established the  
5 state-administered Safe Routes to School (SR2S) program.  
6 California was the first state in the country to create a state safe  
7 routes to school program, thereby demonstrating its commitment  
8 and investment to safe and healthy children.

9 (b) In 2007, the passage of Assembly Bill 57 (Chapter 673,  
10 Statutes of 2007) extended the SR2S program indefinitely. To  
11 date, the SR2S program has awarded \$243.5 million for local  
12 projects.

13 (c) Since its creation, the SR2S program has improved safety  
14 for child pedestrians and bicyclists, encouraged children to lead  
15 healthy and active lifestyles, and has facilitated projects that reduce  
16 traffic congestion, fuel consumption, and air pollution.

17 (d) The Department of Transportation, in consultation with the  
18 Federal Highway Administration, is responsible for the  
19 administration of the program. Specifically, the department is  
20 required to make grants available to local governmental agencies  
21 based on the results of a statewide competition. The rating of grant  
22 proposals is guided by factors outlined both in statute and within  
23 program guidelines.

24 (e) In an effort to improve the SR2S program and the  
25 implementation of the grant awards, the department has, over the  
26 years, made guideline and scoring modifications with  
27 recommendations from an informal advisory committee. More

1 recently, the department has demonstrated more of a commitment  
2 to low-resource schools by contracting with the State Department  
3 of Public Health and the University of California, San Francisco,  
4 to evaluate the demographics of SR2S-funded communities and  
5 identify barriers in accessing SR2S funds.

6 (f) In recent years, in anticipation of the appropriation of billions  
7 of dollars of federal transportation infrastructure funding, national,  
8 state, and local organizations, and federal, state, and local elected  
9 officials have coalesced around the question of equitable  
10 development and equitable funding, initiating a critical dialogue,  
11 at the state and federal level, about how transportation funds should  
12 be spent and how those expenditures will benefit disadvantaged  
13 communities.

14 (g) Governor Schwarzenegger has taken a strong interest in the  
15 SR2S program as “a critical program in the fight against obesity.”  
16 The Governor is also interested in identifying ways to actively  
17 engage low-income communities to increase their participation in  
18 the SR2S program and their receipt of funding. To accomplish this  
19 goal, the Governor, in a letter to the department dated February  
20 24, 2010, has asked for the department to determine the  
21 socioeconomic status of past and current SR2S participants and  
22 the appropriate level of participation among these applicants, and  
23 to review other Safe Routes to School programs to determine how  
24 they have been effective in securing high participation levels from  
25 low socioeconomic status communities. Based on its findings, the  
26 Governor has directed the department to adapt the SR2S program  
27 to “funding priorities and criteria to increase participation in SR2S  
28 among low socioeconomic status, disadvantaged schools and  
29 communities.”

30 (h) As the department implements the Governor’s directives  
31 and makes improvement to the guidelines and application rubric,  
32 it is incumbent on the state to have these program improvements  
33 codified and make necessary changes to the law to ensure the  
34 commitment to equitable access to the SR2S program remains  
35 constant.

36 SEC. 2. Section 2333.5 of the Streets and Highways Code is  
37 amended to read:

38 2333.5. (a) The department, in consultation with the  
39 Department of the California Highway Patrol, shall establish and  
40 administer a “Safe Routes to School” construction program for

1 construction of bicycle and pedestrian safety and traffic calming  
2 projects.

3 (b) The department shall award grants to local governmental  
4 agencies under the program based on the results of a statewide  
5 competition that requires submission of proposals for funding and  
6 rates those proposals on all of the following factors:

7 (1) Demonstrated needs of the applicant.

8 (2) Potential of the proposal for reducing child injuries and  
9 fatalities.

10 (3) Potential of the proposal for encouraging increased walking  
11 and bicycling among students.

12 (4) Identification of safety hazards.

13 (5) Identification of current and potential walking and bicycling  
14 routes to school.

15 ~~(6) Consultation and support for projects by school-based~~  
16 ~~associations, local traffic engineers, local elected officials, law~~  
17 ~~enforcement agencies, school officials, and other relevant~~  
18 ~~community stakeholders.~~

19 ~~(7) Benefit to a disadvantaged community, as defined in Section~~  
20 ~~79505.5 of the Water Code.~~

21 ~~(8) Use of a public participation process and the degree to which~~  
22 ~~the public's concerns are incorporated into the proposal, including~~  
23 ~~those counties that participate in the unmet-needs process.~~

24 *(6) Use of a public participation process, including, but not*  
25 *limited to, a public meeting that satisfies the following:*

26 *(A) Involves the public, schools, parents, teachers, local*  
27 *agencies, the business community, key professionals, and others.*

28 *(B) Identifies community priorities and gathers community input*  
29 *to guide the development of projects.*

30 *(C) Ensures that community priorities are reflected in the*  
31 *proposal.*

32 *(D) Secures support for the project by relevant community*  
33 *stakeholders.*

34 *(7) Benefit to a disadvantaged community, defined for purposes*  
35 *of this section to mean a community with an annual median*  
36 *household income that is less than 80 percent of the statewide*  
37 *annual median household income.*

38 (c) Any annual budget allocation to fund grants described in  
39 subdivision (b) shall be in addition to any federal funding received  
40 by the state that is designated for "Safe Routes to School" projects

1 pursuant to Section 1404 of SAFETEA-LU or any similar program  
2 funded through a subsequent transportation act.

3 (d) Any federal funding received by the state that is designated  
4 for “Safe Routes to School” projects shall be distributed by the  
5 department under the competitive grant process, consistent with  
6 all applicable federal requirements.

7 ~~(e) For the purpose of ensuring community engagement and~~  
8 ~~feedback, and to provide notice for application submissions for~~  
9 ~~the program, the department shall coordinate with regional~~  
10 ~~transportation planning agencies with counties subject to the~~  
11 ~~unmet-needs process as set forth in Section 99232.1 of the Public~~  
12 ~~Utilities Code. Counties that are required to participate in the~~  
13 ~~unmet-needs process and that are seeking grants under the program~~  
14 ~~shall solicit information through the community engagement~~  
15 ~~process about local safe routes to school needs.~~

16 (f) The department shall not impose a cap or limit on the number  
17 of applications that may be submitted on behalf of disadvantaged  
18 communities.

19 ~~(g)~~

20 (e) Prior to the award of any construction grant or the  
21 department’s use of those funds for a “Safe Routes to School”  
22 construction project encompassing a freeway, state highway or  
23 county road, the department shall consult with, and obtain approval  
24 from, the Department of the California Highway Patrol, ensuring  
25 that the “Safe Routes to School” proposal compliments the  
26 California Highway Patrol’s Pedestrian Corridor Safety Program  
27 and is consistent with its statewide pedestrian safety statistical  
28 analysis.

29 ~~(h)~~

30 (f) The department is encouraged to coordinate with law  
31 enforcement agencies’ community policing efforts in establishing  
32 and maintaining the “Safe Routes to School” construction program.